

7 FAM 1820

HOSTAGE TAKING AND KIDNAPPINGS

(CT:CON-526; 08-11-2014)

(Office of Origin: CA/OCS/L)

7 FAM 1821 INTRODUCTION

(CT:CON-142; 07-26-2006)

- a. 12 FAH-1 Annex G-1 provides emergency planning guidance for Emergency Action Committees (EACs) at post regarding the kidnapping or hostage taking of any U.S. citizen, including U.S. Government officials. This subchapter provides guidance to consular officers about consular assistance to victims and their families. Hostage taking is defined in 12 FAH-1 Annex G-1.1a as:

"...the seizure or detention of a person with the threat to kill, injure, or continue to detain that person in order to compel a third-person or governmental organization to do, or to abstain from doing, an act as an explicit or implicit condition for the release of the person detained." (18 U.S.C. 1203)

- b. Terrorist Hostage Taking v. Criminal Kidnapping For Private Ransom: For the purposes of this subchapter:
- (1) Hostage taking refers to terrorism cases in which a person is seized or detained with the threat to kill, injure, or continue to detain the person in order to compel a third-person or governmental organization to do, or to abstain from doing, at act as an explicit or implicit condition for the release of the person. (See 12 FAH-1 Annex G-1.1a and 18 U.S.C. 1203.); and
 - (2) Kidnapping refers to the seizure or detention of a person by criminals for the purposes of obtaining ransom or other action by a family or private employer.
- c. Role of the Federal Bureau of Investigation (FBI): Kidnapping and hostage taking of U.S. citizens are federal crimes for which the FBI has authority to investigate under the U.S. Criminal Code. The FBI opens investigations into all kidnappings and hostage takings involving U.S. citizen victims. As victims of federal crimes, individuals and their families are entitled to specific rights and services from the FBI. The FBI Office for Victim Assistance (OVA) is the primary point of contact within the FBI for providing rights and services to victims and families.
- d. Coordination With Other U.S. Government Agencies: Consular officers at posts abroad and officers in CA/OCS handling hostage taking and kidnapping cases

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work closely with the Regional Security Officer (RSO) and the Bureau of Diplomatic Security (DS), the Office of Counter Terrorism (S/CT), the U.S. Department of Justice, Federal Bureau of Investigation (FBI), and other Department of State offices and federal agencies as appropriate.

- e. Private Negotiation with Hostage Takers and Payment of Ransom:
 - (1) If a U.S. private citizen, organization or company seeks release of hostages by paying ransom or pressuring the host government for political concessions, U.S. Foreign Service posts will limit their participation to basic administrative services, such as facilitating contacts with host government officials;
 - (2) The host government and the U.S. private citizen, organization or company must understand that if they wish to follow a hostage resolution path different from that of U.S. Government policy (see 7 FAM 1823) they do so without the approval or cooperation of the U.S. Government;
 - (3) The U.S. Government cannot participate in developing and implementing a ransom strategy. However, U.S. Foreign Service posts may maintain a discreet contact with the parties to keep abreast of developments;
 - (4) The United States strongly urges U.S. companies and private citizens not to pay ransom. The United States believes that good security practices, relatively modest security expenditures, and continual close cooperation with embassy and local authorities can lower the risk to U.S. citizens living in high-threat environments; and
 - (5) OCS Trust Suspense Deposit Account procedures (7 FAM 324) cannot be used to transmit funds for the payment of ransom or bribes.
- f. Victim Assistance and Compensation: 7 FAM 1900 provides general guidance on crime victim assistance.
- g. Private Investigators: 7 FAM 150 pertains to consular assistance in missing persons cases. 7 FAM 157 discusses situations in which families retain the services of private investigators to try to locate the missing person.
- h. Federal Crime: Under current U.S. law 18 U.S.C. 1203 (Act for the Prevention and Punishment of the Crime of Hostage-Taking, enacted October 1984 in implementation of the U.N. Convention on Hostage-Taking), seizure of a U.S. national as a hostage anywhere in the world is a crime, as is any hostage-taking action in which the U.S. Government is a target or the hostage-taker is a U.S. national. Such acts, therefore, are subject to investigation by the Federal Bureau of Investigation and to prosecution by U.S. authorities. Actions by private persons or entities that have the effect of aiding and abetting the hostage-taking, concealing knowledge of it from the authorities, or obstructing its investigation, may themselves be in violation of U.S. law.
- i. U.S. Government Contractor Hostages and Kidnap Victims: When a person employed by a private contractor working for an agency of the U.S.

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Government abroad is taken hostage or kidnapped, the employer (private contract company) may be a primary point of contact or the family may wish to communicate directly with the post and CA/OCS. If the person is working on contract for the U.S. Department of State, the employing bureau may also play a role. CA/OCS/ACS will coordinate closely with all these entities. At posts, the consular and management sections may also be called upon to coordinate.

- j. U.S. Department of State Personnel: The Office of Casualty Assistance is the primary point of contact in the Department for assistance to families and victims in these cases.

7 FAM 1822 AUTHORITIES

(CT:CON-407; 06-29-2012)

- a. Consular authority to provide assistance in hostage taking or kidnapping situations to the victims and their families is derived from:

(1) **Treaties:**

- (a) Vienna Convention on Consular Relations, Article 5;

Article 5 (a) provides that Consular Functions include:

- (a) Protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law.

- (b) The United States is a party to the International Convention Against the Taking of Hostages, U.N. GAOR, 34th Session, Supp. No. 46, at 245, U.N. Doc. A/34/46 (1979), **entered into force** June 3, 1983 See Treaties in Force.

(2) **U.S. Laws:**

- (a) 22 U.S.C. 2715 Procedures Regarding Major Disasters And Incidents Abroad Affecting United States Citizens; This statute provides that The Secretary of State shall:

Provide prompt and thorough notification to the next-of-kin (NOK); Notification shall be provided through the most expeditious means available: including telephone communications, **and shall include timely written notice.**

The Secretary, through the appropriate offices of the Department of State, shall act as a clearinghouse for up-to-date information for the next-of-kin and shall provide other services and assistance.

Assistance shall include liaison with foreign governments and persons and with United States air carriers concerning arrangements for the preparation and transport to the United States of the remains of citizens who die abroad, as well as

disposition of personal estates.

- (b) 22 U.S.C. 2715a **Provision Of Information On Certain Violent Crimes Abroad To Victims And Victims' Families**; (See 7 FAM 1828 g.) This statute, administered by CA/OCS/L, S/CT, and INR provides that the Secretary of State shall:

Take appropriate actions to ensure that the United States Government takes all appropriate actions to:

- Identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad; and

Subject to the limitations of subsection (c) of the statute, promptly make such information available to:

- The victims of such crimes; or
- When appropriate, the family members of the victims of such crimes if such family members are United States citizens.

- (c) 22 U.S.C. 2715b Notification of next of kin; reports of death and 22 U.S.C. 4196 Notification Of Death Of Decedent; Transmission Of Inventory Of Effects pertain to the consular responsibilities in death and estate matters explained in 7 FAM 200;

(3) **U.S. Regulations:**

- (a) 22 CFR 71.1 Protection of Americans Abroad;
(b) 22 CFR 71.6 Services for Distressed Americans; and
(c) 22 CFR 71.7 Catastrophes Abroad.

- (4) **Inter-Agency Agreements:** MOU with the U.S. Department of Justice, Office for Victims of Crime Responding to Victims of International Terrorism.

b. **The hostage-taking or kidnapping may be a violation of U.S., host country and international law, including:**

- (1) 18 U.S.C. 2332b Acts Of Terrorism Transcending National Boundaries;
(2) 18 U.S.C. 1203 Hostage Taking;
(3) 18 U.S.C. 1202 Ransom Money;
(4) 18 U.S.C. 1201 Kidnapping; and
(5) 18 U.S.C. 1119 Foreign Murder of U.S. Nationals.

7 FAM 1823 U.S. GOVERNMENT POLICY

(CT:CON-142; 07-26-2006)

The U.S. Government will **make no concessions** to individuals or groups holding official or private U.S. citizens hostage. The United States will use every appropriate resource to gain the safe return of U.S. citizens who are held hostage. At the same time, **it is U.S. Government policy to deny hostage takers the benefits of ransom, prisoner releases, policy changes, or other acts of concession.** See 7 FAM 1821 e regarding U.S. Government policy and limitations on the role of Foreign Service posts and the Department of State should private citizens, organizations or companies elect to negotiate with hostage takers or pay ransom.

See ...

Press Releases

- International Terrorism – American Hostages – Press Statement Department of State

Diplomatic Security Materials (DS)

- Political Violence Against Americans
- Other DS Releases

Office of Counter Terrorism **Materials (S/CT)**

- Fact Sheet International Terrorism: American Hostages
- Country Reports on Terrorism
- Department of State Releases about Terrorism

7 FAM 1824 OUTREACH TO THE U.S. CITIZEN COMMUNITY ABROAD BEFORE HOSTAGE TAKING OR KIDNAPPING OCCURS

(CT:CON-341; 08-27-2010)

- Consular officers and Regional Security Officers reach out to the U.S. citizen community abroad in a variety of settings to alert them to dangers, including the threat of hostage-takings and kidnappings.
- Travel Warnings and Travel Alerts:** The Consular Information Program is an important vehicle for getting the word out to U.S. citizens about kidnapping and hostage-taking threats in foreign countries. (See 7 FAM 050 and 7 FAM 070)

For example ...

- Worldwide Caution

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- Middle East North Africa Travel Alert
- Colombia Travel Warning
- Iraq Travel Warning
- Haiti Travel Warning
- For current Travel Warnings, Travel Alerts, and Country Specific Information, go to the Consular Affairs Internet page

- c. **OSAC:** The Overseas Security Advisory Council's Country Council Program (OSAC) is designed to assist the U.S. private sector in establishing "Country Councils" in all cities worldwide. (See 12 FAM 060.) The Bureau of Diplomatic Security (DS) and the Overseas Security Advisory Council (OSAC) have a number of publications available.

See ...

DS Materials

- Countering Terrorism – Security Suggestions for U.S. Business Representatives Abroad

OSAC Materials

- Overseas Security Advisory Council Resource Library

7 FAM 1825 ROLE OF CONSULAR OFFICER

7 FAM 1825.1 Summary

(CT:CON-142; 07-26-2006)

- a. Cases involving the kidnapping or hostage taking of a U.S. citizen overseas require close coordination of activities and information-sharing among several agencies and offices at post and in Washington, DC.
- (1) **Key consular roles may include**
- (a) Serving as the primary State Department point of contact with family members of the hostage;
 - (b) Coordinating family contacts with the FBI/OVA and with CA/OCS in Washington, DC during the crisis;
 - (c) Working with the EAC, task force, or hostage working group at post, with CA/OCS, and the FBI to plan and arrange for meeting the needs of the hostage when released. The FBI's mandatory responsibility for providing assistance to victims lasts beyond the immediate crisis and release and as long as the FBI has an open investigation or until there is an indictment in the United States.

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(2) **Consular roles do not include:**

- (a) Participation in developing and implementing a ransom strategy.
Such activity is contrary to U.S. Government policy on hostage taking and kidnapping. (See 7 FAM 1821 e and 7 FAM 1823.)
- (b) Encouraging families or employers to negotiate with hostage takers.
Such activity is contrary to U.S. Government policy on hostage taking and kidnapping. (See 7 FAM 1821 e and 7 FAM 1823.)

b. **Duration:** The duration of the hostage-taking or kidnapping incident can be a key factor in the roles of the consular section at the U.S. embassy and consulate and the role of CA/OCS.

For example:

- A hostage incident that is successfully resolved quickly may involve considerable immediate action by a post, but little or no long-range action by CA/OCS with the victim or the victim's family in the United States, apart from referral for victim assistance and/or compensation.
- A host incident that continues for months or years could result in little interaction by the post with the family, but considerable continuous interaction by CA/OCS.
- However, some families may prefer to remain in direct contact with both the post and CA/OCS.
- Of course, until the incident is resolved, it is critical that the post and CA/OCS coordinate carefully regarding reporting about law enforcement activities and what is being done to assist the family and the victim.

7 FAM 1825.2 Four Stages of a Hostage Crisis

(CT:CON-142; 07-26-2006)

During a hostage crisis consular officers' responsibilities extend from the time a hostage or kidnapping is reported to U.S. Government authorities and continue through the four phases of the crisis:

- (1) Initial kidnapping;
- (2) Period of captivity;
- (3) Rescue, release or recovery of the hostage; and
- (4) Repatriation.

7 FAM 1825.3 Initial Kidnapping

(CT:CON-407; 06-29-2012)

a. **Notification:** When a U.S. citizen is reported kidnapped, the consular officer

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at a U.S. embassy or consulate should:

- (1) **Notify Department:** Immediate notification to the Department is made to the Operations Center (202) 647-1512 which will arrange a conference call to relevant bureaus and other U.S. government agencies. (See 12 FAH 1 Annex G.) The consular officer at post will make immediate contact with his or her CA/OCS/ACS counterpart. See 7 FAM 1826 regarding duty officer responsibilities.
 - (2) **CA/OCS/ACS Notification Action:** CA/OCS/ACS will follow CA/OCS SOPs regarding Notification Procedures For Reported Political or Criminal Kidnappings SOP (Available to OCS Personnel) found on the OCS Intranet and in the OCS Duty Book. CA/OCS/ACS will also contact the FBI/OVA. The CA/OCS Duty Officer bulletin includes work and after hours phone numbers for Department of Justice and FBI crime victim specialists. See 7 FAM 1826 regarding duty officer responsibilities.
 - (3) **Family Notification:** The consular officer will immediately contact the primary family members for each kidnapped person and establish him/herself as the primary, consistent point of contact between the U.S. Government and the family. The FBI may also assign an FBI Victim Assistance Specialist to assist the family. Even if the FBI or other law enforcement organization has already established contact with the family, the consular officer should still do so. See 7 FAM 1825.4 b, 7 FAM 1825.5, 7 FAM 1827 and 7 FAM 1828 regarding close coordination between the consular officer, CA/OCS and the FBI.
 - (4) **Safety of Family in Host Country:** If the next-of-kin is in the host country, the consular officer should coordinate with the Regional Security Officer (RSO) on questions regarding the safety and security of the family.
- b. **Personal Effects:** The consular officer may be called upon to recover and retrieve personal effects of hostages from local authorities if appropriate, after consulting with family members and/or the company representative, as well as any U.S. investigating agency and local authorities. **This may not be appropriate while the personal effects are considered part of the law enforcement investigation. Confer with CA/OCS/ACS before taking action related to property or personal effects. See 7 FAM 600 and 7 FAM 200. CA/OCS/L and L/CA will provide specific guidance to CA/OCS/ACS and post as appropriate.**
- c. **Consular Participation in EAC:** The consular officer should be an active participant on the Emergency Action Committee (EAC), and any task force or working group established at post to handle the crisis, maintaining active liaison between the family and other members of the task force.
- d. **Reporting:** Post reporting cables need to include the CASC, ASEC, PTER, KCRM, and KJUS TAGs, as appropriate, as well as geographic TAGs. (See 5 FAH-3 H-100, 5 FAH-3 H-400, and 5-FAH-3 H-500.)

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- e. **Inter-Agency Liaison:** You should coordinate with your CA/OCS/ACS counterpart and CA/OCS Crime Victim Assistance Specialists, who will coordinate crime victim assistance for the family with other agencies, such as the FBI Office for Victim Assistance (FBI/OVA) and the Department of Justice Office for Victims of Crime (DOJ/OVC/TIVU) (Terrorism & International Victim Assistance Services Division). You may also be in direct contact with these agency representatives. (See 7 FAM 1827.)

7 FAM 1825.4 During the Period of Captivity

(CT:CON-526; 08-11-2014)

- a. Family **Notification of Incident and Developments and Privacy Considerations:** As a member of the EAC, task force, or hostage-working group at a post, the consular officer will ensure that the family's interests are represented throughout the crisis and ensure that the family receives all appropriate information concerning developments in the case.
- (1) When the FBI is involved, there may be FBI Agents and an FBI Victim Specialist in direct contact with the victim's family, usually in their home. It is recommended that the consular officer coordinate with the FBI so that the FBI Agent or FBI Victim Specialist who has been working with the family can either make the notification or at least be present at the home when significant developments are delivered by the consular officer over the telephone.
 - (2) The channel of communication may be directly with the family, through CA/OCS/ACS, or through a person delegated by the family.
 - (3) *In most situations, without a Privacy Act waiver or written authorization from the U.S. citizen, details regarding the U.S. citizen's case cannot be shared with persons who are not immediate family members. (See 7 FAM 060, SORN, Overseas Records, STATE-25). Posts should consult with CA/OCS/L and L/CA on any questions related to these matters by emailing ASK-OCS-L@state.gov.*
 - (4) Throughout the time the U.S. citizen is held captive, the consular officer should maintain regular contact with the family to provide up-to-date information, unless it is determined the family prefers to communicate through CA/OCS.
 - (5) Depending on the duration of the incident, the chain of communication may evolve, but a single consular point of contact is preferable, using the caseworker approach.
 - (6) All information shared will be coordinated with the members EAC or task force at post.
 - (7) The consular officer at the post will also keep CA/OCS/ACS informed of developments.

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- b. **Hostage/Kidnap Victim and Family Victim Assistance:** In conversations with the family, the consular officer and the CA/OCS/ACS counterpart will attempt to identify the family's needs and coordinate with CA's victim assistance specialists and the FBI/OVA to address identified needs. (See also 7 FAM 1900.)
- c. **Law Enforcement and Other Sensitive Information:** Consular officers should be cautioned about providing sensitive and protected investigative information to victims and/or families of victims (see 7 FAM 1828). Coordination with FBI/OVA or the assigned FBI Victim Specialist will be helpful in determining whether it is appropriate to provide certain information to victims/families.
- d. **Congressional Liaison:** CA/OCS/ACS will maintain direct contact with staffers from interested congressional offices, but posts may also receive inquiries directly. Record should be made of communications with congressional offices in reporting cables or other communications.
- e. **Release, Rescue, Recovery of Hostage:** The consular officer should work with the EAC or other task force or hostage working group members to develop a detailed plan for what will happen when the hostage is released, rescued, or recovered. This plan should clarify roles and payment issues related to family notification, providing for meeting the medical/emotional needs of the hostage, facilitating the hostage's contact with family, debriefing, and repatriation if the hostage is released. (See 7 FAM 1825.5 and 7 FAM 1828.)
- f. **Death Notification:** Plans should also be made regarding notification of the family, repatriation, and autopsy if the hostage is killed and the body is recovered. (See 7 FAM 1825.5 and 7 FAM 1828.) Generally, the policy of the FBI and Department of Justice (DOJ) is to have autopsies of unembalmed remains conducted by the Office of the Armed Forces Medical Examiner (OAFME) at Dover Port Mortuary. The FBI/OVA handles these and related matters for the FBI including collection of ante-mortem records for forensic identification of remains from the remains of the victim. The FBI/OVA will coordinate payment for repatriation expenses unless the deceased victim is a U.S. Government employee or contractor. (See 7 FAM 1828.) If the hostage is killed and the FBI is investigating the case, post and CA/OCS/ACS will coordinate with the FBI/OVA on matters related to the forensic identification, autopsy, return of remains to the family, as well as the return of personal effects. (See 7 FAM 1825.5 and 7 FAM 1828.)

7 FAM 1825.5 Release, Recovery, and Repatriation of the Hostage

(CT:CON-142; 07-26-2006)

- a. When a hostage is released or rescued, or the death of a hostage is reported and confirmed, the consular officer must notify the family and maintain contact

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with the family until the hostage is repatriated. This does not mean that the consular officer must be the initial or sole contact with the family. When the FBI has been involved, there are FBI Agents and an FBI Victim Specialist who have been in direct contact with the victim's family, usually in their home. It is recommended that the consular officer providing the death notification coordinate with the FBI so that the FBI Agent or FBI Victim Specialist who has been working with the family can either make the notification or at least be present at the home when the news is delivered by the consular officer over the telephone. The consular officer will work with other task force members to implement the plan for repatriation. Sources of funding for repatriation could include the hostage's employer or the FBI/OVA funds. Post should also keep the Department informed of all developments in the case. (See 7 FAM 1828.)

- b. Post questions about procedures outlined in this subchapter may be directed to CA/OCS/ACS.

7 FAM 1826 DUTY OFFICER PROCEDURES IN HOSTAGE TAKING AND KIDNAPPING CASES

(CT:CON-341; 08-27-2010)

- a. **Duty officers at post** should follow procedures in 12 FAH-1 regarding notification of the post country team and EAC. Post should notify the Department of State Operations Center at 202-647-1512 and the CA/OCS Duty Officer in the event of a hostage taking or kidnapping of a U.S. citizen and significant events emerging after hours.
- b. The **CA/OCS Duty Officer** will notify the CA/OCS Duty Director, who will keep the OCS Managing Director and the Deputy Assistant Secretary for Overseas Citizens Services apprised of developments. The CA/OCS Duty Officer will also coordinate with the Division Chief and CA/OCS/ACS country officer.
- c. **Duty Officer Coordination with Department, Other Posts, DOJ and/or FBI:**
 - (1) The Operations Center may coordinate an inter-agency conference call of any applicable hostage working group, including notification of the National Security Council (NSC). (See 12 FAH-1 Annex G.)
 - (2) The OCS Duty Officer will follow CA/OCS SOPs regarding Notification Procedures For Reported Political or Criminal Kidnappings (Available to OCS Personnel) found on the OCS Intranet and in the OCS Duty Book.
 - (3) In the event of a hostage-taking or kidnapping of a U.S. citizen after working hours requiring assistance from the U.S. Department of Justice or the Federal Bureau of Investigation, after consultation with the CA/OCS Duty Director, the CA/OCS Duty Officer may contact the Department of Justice or FBI Command Center via the U.S. Department of State

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Operations Center (202) 647-1512. The OCS Duty Officer will also contact the FBI/OVA. The CA/OCS Duty Officer bulletin includes after hours phone numbers for Department of Justice and FBI crime victim specialists.

- (4) Post duty officer should maintain contact with CA/OCS duty officer regarding significant developments.
- d. **Briefing CA/OCS/ACS Case Officer and OCS Crime Victim Assistance Specialists:** The CA/OCS Duty Officer will brief CA/OCS/ACS and the OCS Crime Victim Assistance Specialists about overnight/weekend/holiday developments.
- e. **CA/OCS Crime Victim Assistance Specialists** will take appropriate action in coordinating with DOJ/OVC and FBI/OVA regarding crime victim assistance and compensation. For terrorism cases, this requires a formal written request from the Assistant Secretary for Consular Affairs to the U.S. Department of Justice Office for Victims of Crime (DOJ/OVC) to grant authority to the FBI/OVA to use terrorism victim assistance funds for emergency needs of victims. For non-terrorism hostage and kidnapping cases, the FBI/OVA is not required to obtain authority in advance for emergency assistance expenditures as long as those expenditures conform with DOJ/OVC guidelines.

7 FAM 1827 INTER-AGENCY LIAISON IN HOSTAGE AND KIDNAPPING CASES

(CT:CON-526; 08-11-2014)

- a. **Law Enforcement Investigation and Prosecution:** CA/OCS and consular officers at post may be called upon to assist federal law enforcement authorities and prosecutors in judicial assistance related activities. (See 7 FAM 900.) CA/OCS/L will coordinate with L/LEI and CA/OCS/ACS on these requests.
- b. Internal Revenue Service (**IRS**): *Upon request, CA/OCS/ACS will provide letters to the Internal Revenue Service each year confirming that the individual has not been released or recovered. This procedure pertains only to hostage and kidnap cases, not to general missing persons (7 FAM 150) or disaster victims/presumptive death cases (7 FAM 280). However, in all cases, it may be possible to provide information directly to immediate family members (see SORN, Overseas Records, STATE-25). Questions about interpretation should be directed to CA/OCS/L and L/CA for liaison to IRS.*
- (1) *CA/OCS/ACS will prepare the letter on official letterhead with the appropriate official signature and provide that letter to the IRS (see SORN, Overseas Records, STATE-25);*
- (2) *CA/OCS/L may provide a copy of this letter to immediate family members, when requested;*
- (3) *the IRS will place a marker on the hostage or kidnapped person's account,*

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effectively freezing the account;

- (4) *the letter must provide a Department of State CA/OCS/ACS contact and phone number, because if any activity is attempted on the account, the IRS will contact CA/OCS/ACS to confirm if the person is still missing, was found or was recovered.*

The letter prepared by CA/OCS/ACS must include the following elements:

*(Must be printed on official
Department of State letterhead)*

(DATE)

Internal Revenue Service

Atlanta Compliance Services Collection Operations (ATSC CSCO)

Attn: Team 107

Stop 74

PO Box 47-421

Doraville, GA 30362-041

To Whom It May Concern:

This is to notify the IRS at the [Atlanta Compliance Services Collection Operations] that on (DATE) Mr./Ms. (FULL LEGAL NAME), Social Security Number XXX-XX-XXXX, (was abducted/taken hostage/kidnapped) in XXX by persons unknown. To this date, the State Department is aware of no credible proof of his/her whereabouts. Mr./Ms. (NAME) therefore cannot personally sign his/her tax returns. If the Department of State can provide any further information, please contact (Country Officer) of the Office of American Citizens Services and Crisis Management at (XXX) 485-XXXX.

Sincerely,

CA/OCS/ACS Division Chief
Signature Block

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- c. **U.S. Department of Justice Office for Victims of Crime:** The Antiterrorism and Emergency Assistance Program is designed to provide funding to assist government officials and communities that respond to crimes of terrorism and mass violence in the U.S. and abroad. The program is administered by the Office for Victims of Crime (OVC), Office of Justice Programs, Department of Justice. In the aftermath of terrorist hostage taking incident, CA/OCS could use these funds, if requested from and approved by OVC, to provide emergency services to victims who are nationals of the United States. The U.S. Department of State has no direct access to these emergency terrorism victim assistance funds. The FBI/OVA holds the funds and must handle the actual expenditure.
- d. **U.S. Federal Bureau of Investigation (FBI) Office for Victim Assistance:** The mission of the FBI Office for Victim Assistance (OVA) is to ensure that victims of crimes investigated by the FBI are afforded the opportunity to receive the services and notification as required by federal law and the Attorney General Guidelines on Victim and Witness Assistance (2005). The FBI recognizes not only the necessity of providing for the legal rights of victims but the benefits that effective and timely victim assistance brings to investigations. The FBI/OVA houses the FBI's Terrorism Victim Assistance Unit (TVAU) and Terrorism Victim Specialists who are licensed clinical social workers. The TVAU serves as the FBI's point of contact for all terrorism victims and coordinates victim repatriation, autopsy, forensic identification, and return of personal effects on behalf of the FBI. TVAU liaises with DOS, DOD, DOJ/OVC/TIVU, and the DOJ Office of Justice for Victims of Overseas Terrorism. TVAU is responsible for maintaining contact and for providing information and assistance to victims as long as the FBI has an open investigation, which could be years or even decades.
- e. **U.S. Department of Justice, Criminal Division, Office of Justice for Victims of Overseas Terrorism (OJVOT):** The OJVOT was established by the Attorney General on May 6, 2005. Congress directed the establishment of the OJVOT in the Department of Justice Appropriations Act in December 2004. The purpose of the OJVOT is to ensure that the investigation and prosecution of terrorist attacks against American citizens overseas remain a high priority within the Department of Justice. The OJVOT is responsible for monitoring the investigation and prosecution of terrorist attacks against U.S. citizens abroad; working with other pertinent Justice Department components to ensure that the rights of victims of such attacks are honored and respected; responding to Congressional and citizen inquiries on the Department's response to such attacks; compiling pertinent data and statistics; and filing any necessary reports with Congress. The OJVOT also chairs a Joint Task Force with the Department of State that coordinates inter-agency information sharing related to U.S. victims of terrorism and U.S. Government outreach to these victims and their families.
- f. **State Crime Victim Compensation Programs:** If the victim or the victim's

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family are not eligible for Federal compensation or services, CA/OCS's Crime Victim Assistance Specialists will contact state crime victim compensation authorities to determine the availability of state funds.

7 FAM 1828 RECOVERY OF HOSTAGES, MEDICAL ASSISTANCE, AND IDENTIFICATION OF REMAINS

(CT:CON-446; 02-25-2013)

- a. Coordination With Posts in Country Where Hostage Taking/Kidnapping Occurred and in Third Countries that May Receive Released or Recovered Victims and Their Families: CA/OCS will work closely with consular officers at U.S. embassies and consulates abroad, DOJ/OVC, FBI/OVA and other authorities to assist victims and their families. This includes coordination with posts in third countries that may find themselves assisting released or recovered hostages and their families. (See 7 FAM 1828 d.)
- b. Victim Assistance Services and Compensation: Funds may be available to assist these victims. (See 7 FAM 1827 and 7 FAM 1962.2.) CA/OCS Victim Assistance Specialists and CA/OCS/ACS consular officers will work closely with posts and families, in concert with DOJ/OVC and FBI/OVA.
- c. Emergency Medical Assistance: Hostages and kidnap victims who are released or recovered alive should be provided with consular referral to available local emergency medical assistance and medical evacuation assistance, as appropriate. Emergency Medical and Dietary Assistance (EMDA) and repatriation loans (see 7 FAM 300) are not usually used in these cases since there are generally other sources of funds through federal and state crime victim assistance programs. (See 7 FAM 1900.) Posts should not ask hostage or kidnapping victims to complete loan applications and promissory notes unless instructed to do so by CA/OCS/ACS.
- d. Reception and Assistance: As noted above in paragraph a, posts in the host country or third countries may find themselves required to assist released or recovered hostages and/or their families. Coordinate closely with CA/OCS regarding needs of former hostages and their families.

- Share Your Lessons Learned - Role of Posts in Countries Receiving Released or Recovered Victims and Their Families
- Posts should share lessons learned in providing assistance to released or recovered victims and their families with us at ASK-OCS-L@state.gov.

- e. The Media: See 12 FAH-1 H-400 for guidance for posts regarding public affairs issues in a crisis. Families may inquire about speaking to the media. The CA/OCS Intranet includes information that may help you in your conversations with families including:

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See: National Center for Victims of Crime Tips for Families Interviews With the Media

- f. Security and Safety of Recovered Victim and Family Members: The Regional Security Officer (RSO), FBI Legal Attaché, U.S. Military Attaché or other U.S. law enforcement authorities may provide general guidance on issues related to the security and safety of a released or recovered hostage or kidnap victim and his or her family members in the host country. However, posts cannot generally provide for the physical protection of private citizens.
- g. Condolence letters: Condolence letters may be prepared to families of hostage takings or kidnappings who do not survive. These may be signed at an appropriate level by post or the Department. Sample texts are available from CA/OCS.
- h. Autopsies: When a U.S. citizen is killed in a hostage-taking or kidnapping, the unembalmed remains are usually sent at U.S. Government expense to Dover, Delaware, where an autopsy will be conducted by U.S. Government pathologists. This is needed to obtain evidence for future prosecution of the perpetrators. The Department of Defense, which conducts the autopsies, will issue a death certificate. The post will then prepare a Consular Report of Death of a U.S. Citizen Abroad (see 7 FAM 200) based on this document. Copies of the military death certificate are available from the Armed Forces Institute of Pathology. Copies of the death certificate from the autopsy are available to the victim's next-of-kin through the Office of the Armed Forces Medical Examiner/Armed Forces Institute of Pathology upon submission of a written request. The FBI/OVA will assist the family in obtaining a copy of the autopsy or consulting with the pathologist who performed the autopsy. 10 U.S.C. 1471(b)(3)(C) authorizes the Armed Forces Medical Examiner to conduct an autopsy in any authorized investigation being conducted by the FBI at the request of the FBI and at no cost.

See: Information for Families About Autopsies (FBI/OVA): The FBI/OVA is in the process of revising its terrorism victim assistance web page and will notify CA/OCS when it is complete and a direct link to the autopsy brochure is available.

- i. Presumptive Death: If the remains of the hostage or kidnap victim are not recovered and the family requests issuance of a Presumptive Consular Report of Death of a U.S. Citizen Abroad, (see 7 FAM 200.) CA/OCS/L and L/CA will work closely with CA/OCS/ACS and post on such questions on a case-by-case basis.
- j. Family Notification Act: 22 U.S.C. 2715a Provision of Information On Certain Violent Crimes Abroad To Victims And Victims' Families. CA/OCS/L is responsible for coordination with appropriate offices in the Department of State (S/CT, INR, regional desks) and other U.S. Government Agencies concerning this law. The law provides that the Department identify promptly information (including classified information) in the possession of the departments and agencies of the U.S. Government regarding the killing, abduction, torture, or

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other serious mistreatment of United States citizens abroad; and subject to limitations in subsection (c) of the statute, promptly make such information available to the victims of such crimes; or when appropriate, the family members of the victims of such crimes if such family members are United States citizens. See 7 FAM 1800 Appendix C for detailed guidance regarding consular responsibilities regarding the Family Notification Act.

Note: Limitations on the information that can be provided to victims and families is subject to 22 U.S.C. 2715a(c) which states: "The Secretary shall work with the heads of appropriate departments and agencies of the United States Government in order to ensure that information relevant to a crime covered by subsection (b) of this section is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available under that subsection unless such disclosure is specifically prohibited by law."